

Showcase Dental Laboratory, Inc.

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EMAIL [✉](#)
PHONE: 888.625.5757

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Smiles!

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News.....

Going Green

Showcase Dental Lab is going green. Each case is wrapped in a plastic bag for safety, convenience and cleanliness. Typically, a plastic bag is used when the Dr. sends SHOWCASE an impression. Another plastic bag is used when the completed case is returned to the Dr's office. This makes many plastic bags going into the land fill.

Showcase Dental Lab is now using plastic bags with a green stripe on them whenever possible. These new plastic bags are bio-degradable. We care about our work and we care about the eco-system. Please contact us for further information.

Showcase Dental product name change

GlideWell Industries has asked Showcase Dental Lab to no longer use the name Zir-BruXer, they feel this is too close to their trademark name of BruxZir. We do not agree with their claim but we do believe in keeping the dental laboratory business a respectful business.

Showcase Dental Lab strives to have the best quality, and the best customer service possible. Changing the name of a product will be best to keep Showcase Dental Lab concentrating on what is most important, our customers and their patients, our quality and our customer service.

"The serious matter of your infringement of my client's proprietary property rights in connection with the unauthorized use GlideWell Laboratories' registered trademarks and copyrighted images on your website has come to our attention.

GlideWell Laboratories has for years used the mark BRUXZIR both nationally and internationally to identify its dental laboratory goods and services in the US and its CE certified BruxZir® zirconia milling blanks in Europe. The company enjoys considerable goodwill associated with its use of the aforesaid mark.

The promotion of dental laboratory services by your lab of a Zir-BruXer Crown is using a similar mark where there is an appreciable likelihood of confusion and a palming off goods by an unauthorized substitution of one brand for the brand ordered, which in this instance is a deliberate misappropriation of intellectual capital for commercial purposes that is actionable unfair competition under state and federal laws.

Under federal law, Trademark Infringement is presumptively an unfair exploitation of the monopoly privilege that belongs to the owner of the mark. Infringement is a 'tarnishment' of the owner's mark and results in 'brand confusion' and the likelihood of 'initial interest' confusion as to the actual identity of the source of the goods and services.

For the above reasons, we must insist that you immediately cease use of the infringing marks and copyrighted images in your promotions and elsewhere. Should you not terminate use of the mark and copyrighted images, GlideWell Laboratories reserves its rights to take legal action to stop you from using the mark and intellectual properties by seeking an injunction, monetary relief, and attorney fees.

Please contact me, or have your attorney contact me, within ten days of receipt of this communication if you are unsure about the appropriate steps that you must take to avoid liability for your refusal to discontinue your use of the infringing marks. Additionally, if you wish to be on the list of BruxZir® authorized dental laboratories, call GlideWell Direct.

Your prompt attention is appreciated.

Sincerely,
KEITH D. ALLRED
Attorney for GlideWell Laboratories
4141 MacArthur Blvd.
Newport Beach, CA 92660"

We have hereby changed the name of our product to reflect the shape and product make-up: "Full Contour Zirconia"

22286 Vick Street, Port Charlotte, FL 33980 * 888.625.5757 * email
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GL 241

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From: Keith Allred
Sent: Wednesday, January 11, 2012 8:30 AM
To: Carol Frattura
Cc: Victor
Subject: RE: BRUXZIR Infringement - SHOWCASE DENTAL LABORATORIES

Hello Carol:

Thank you for your prompt response. We certainly do appreciate your understanding in this matter. We have the utmost respect for all of the challenges that you face in fulfilling the expectations of your clients on a daily basis and wish you success. Glidewell Labs has invested several millions of dollars in developing and marketing the BRUXZIR brand of full zirconia restorations. Legal precedents require that Glidewell Laboratories actively protect the trademarked brand or risk losing its unique value. The network of partner authorized dental laboratories also expect Glidewell Labs to ensure trademark law enforcement to protect the time, energy and resources they have invested to provide authentic BRUXZIR® dental restorations to their clients.

The 'confusingly similar' type of infringement is different from, for example, a third parties' unauthorized use of reserved marks like 'Super Bowl' or 'Olympics.' Even so, the same basic principles apply—e.g., even the slogan or nickname of a radio station with the call sign KISS is entitled to claim an infringement of their mark by another station's use of KIIS. Although these call signs are *different* (and, even if as in this example such use has FCC approval) a federal court would find that one infringed the other as a matter of trademark law since both are pronounced the same way. (*Citasters Licenses, Inc. v. Cumulus Media, Inc.*, 189 F. Supp. 2d 1372, 1377)

Sincerely,
Keith

From: Carol Frattura [mailto:carol@showcasedental.com]
Sent: Wednesday, January 11, 2012 5:42 AM
To: Keith Allred
Cc: Victor; carol@showcasedental.com
Subject: RE: BRUXZIR Infringement - SHOWCASE DENTAL LABORATORIES

Keith,

In all honesty, I do not feel what you saying about the infringement is at all correct! There is the other side to this, I do not wish to make anyone uncomfortable. We at Showcase Dental Lab take pride in our work and the knowledge of our business. We strive to have the best quality, and the best customer service possible. A name of a crown is not going to change a single part of my customer's satisfaction of my products or whether they use my lab or even request this product. That is the best part of having a good reputation, quality work, dependability and reliability.

Since we are almost ready to go to print on our next lab script we will give our crown a name change. Again we do not feel in any way we are wrong, but I feel customer satisfaction is of the utmost and if you feel there could possibly be any confusion, I want to be sure my customers have the knowledge they are getting the best quality products and they are not getting a "look-alike" or a 2nd quality restoration. I appreciate you bringing this to my attention.

I wish the best of luck to you and I hope this will satisfy you, please be assured Showcase Dental Lab will always work to deliver only the best in quality and satisfaction, please let me know if there is anything I can do for you in the future.

Thank You,

Carol Frattura



941.625.5757 Office
941.456.1560 Mobile

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Thank you.

Carol Frattura
Showcase Dental Lab

From: Keith Allred [mailto:kallred@glidewell dental.com]
Sent: Tuesday, January 10, 2012 6:50 PM
To: Carol Frattura
Subject: RE: BRUXZIR Infringement - SHOWCASE DENTAL LABORATORIES

Hello Carol:

Responding to your email of even date below this is an IP (intellectual property) matter. You have raised several issues. A trademark attorney is the best person to consult with about these matters.

Addressing other matters you have raised, we are not talking about Glidewell Laboratories' patent rights such as those related to the fabrication of BruxZir Zirconia Blocks, Colorants, Mills & etc. This matter concerns the infringement of Glidewell's BRUXZIR mark, Reg. No. 3,739,663, applied for June 6, 2009 and registered January 19, 2010, as follows:

From the Trademark website:

Word Mark	BRUXZIR
Goods and Services	IC 010. US 026 039 044. G & S: Dental bridges; Dental caps; Dental crowns; Dental inlays; Dental onlays; Dental prostheses. FIRST USE: 20090606. FIRST USE IN COMMERCE: 20090606
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77761757
Filing Date	June 17, 2009
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	November 3, 2009
Registration Number	3739663
International Registration Number	1034335
Registration Date	January 19, 2010
Owner	(REGISTRANT) James R. Glidewell, Dental Ceramic, Inc. DBA Glidewell Laboratories CORPORATION CALIFORNIA Professional Services 4141 MacArthur Blvd. Newport Beach CALIFORNIA 92660
Attorney of Record	Keith D. Allred, Esq.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

A trademark infringement is based on "confusing similarity" of marks and services. And, marks can be confusingly similar even if not identical. BRUXER sounds like BRUXZIR.

Assuming Zir-Bruxer is descriptive (such as "bag" "box" "shoe" etc.) when applied to professional dental products, can those items be appropriated to one party's exclusive use? Yes.

As you probably know, descriptive terms can become exclusive trademarks when they acquire secondary meaning. Glidewell Laboratories has exclusively and extensively used the mark BRUXZIR in the dental industry. Unquestionably it has acquired secondary meaning, and it has the exclusive right to use the mark in the dental field, especially where Glidewell is catering to the same channels of trade with the same goods.

Moreover, it is clear that Zir-Bruxer is being used to the name for the very same goods that Glidewell Laboratories describes as BruxZir® Solid Zirconia Crowns and Bridges. The words "crown" and "zirconia" are, of course, generic terms. Trademarks rights do, however, apply to the term BRUXER when used to describe crowns made of zirconia.

Under these circumstances, it is difficult to argue that a continuing use by Showcase DL if a confusingly similar mark is not willful trademark infringement. Nevertheless, unless it has to, Glidewell prefers resolving this in a business-to-business fashion without resort to the courts. We appreciate your willingness to consider promptly changing the name of your full solid zirconia crowns to avoid litigation.

Sincerely,

Keith Allred

From: Carol Frattura [mailto:carol@showcasedental.com]
Sent: Tuesday, January 10, 2012 2:22 PM
To: Keith Allred
Subject: RE: BRUXZIR Infringement - SHOWCASE DENTAL LABORATORIES

Keith,

I have asked my IT person to change the image already, I will check with my attorney on the name, I do think we are not within the % of change to constitute infringement. I will let you know as soon as I have an answer. If you have a more definitive answer I will be happy to change the name immediately. We have been using this name since long before your patent in May of 2011. I understand that will not make a difference IF there are infringements but I do not believe there are.

I also know it is not possible to patent a name such as "bag" "box" "shoe" etc. my description of my product falls under this category of a generic name.

Thank you again,

If you have the name change percentages and my description falls within those guidelines again, I will be happy to change my generic description.

From: Keith Allred [mailto:kallred@glidewell dental.com]
Sent: Tuesday, January 10, 2012 4:45 PM
To: info
Cc: Victor; carol@showcasedental.com
Subject: RE: BRUXZIR Infringement - SHOWCASE DENTAL LABORATORIES

Hello Carol:

I am pleased to represent Glidewell Laboratories in connection with its trademark and unfair competition matters. I brought to your attention below that your company is currently marketing a full contour zirconia crown under the name Zir-Bruxer.

I explained to you that Glidewell has used the mark BRUXZIR in connection with full contour zirconia crowns. I also have informed you that Glidewell Laboratories owns the federal registration number for the mark. Like the Glidewell product, Showcase DL's product also is sold only to dentists and dental professionals.

Since both products are closely related and move in the identical marketing channels and the marks are virtually identical, there is little doubt that your firm's marketing of a crown under the mark Zir-Bruxer constitutes trademark infringement. Additionally, your unauthorized use of

the image of a BruxZir® Solid Zirconia bridge in connection with the promotion of your goods can only be seen as an intentional act of material misrepresentation.

For the above reasons, we must insist that you immediately cease your infringement of my client's proprietary property rights. Otherwise, Glidewell reserves its rights to take legal action to prevent future acts of infringement by seeking an injunction to prevent the fabrication or importation of infringing goods and all other relief as may be deemed appropriate.

Sincerely,

Keith Allred

From: info [mailto:info@showcasedental.com]
Sent: Tuesday, January 10, 2012 11:42 AM
To: Keith Allred
Cc: Victor; carol@showcasedental.com
Subject: RE: BRUXZIR Infringement - SHOWCASE DENTAL LABORATORIES

KEITH D. ALLRED
Attorney for Glidewell Laboratories

Can you explain this better, Bruxer – from Wikipedia “a bruxer” (someone who clenches or grinds their teeth) or simply put, a person with a habit – bruxist, bruxing etc. I did not know Glidewell has a patent on a patient habit? Zirconia is a generic name for a product. I will be happy to change my name if you will give me further explanation of the infringement, I do not see we have anything in common, I do not try in any way to copy or infringe on Glidewell’s patented name. So I would simply like some further information, I just don’t want to be intimidated for no reason, so if this is justified I will be happy to conform, so please send me some information, if you would be so kind.

The name we are using Zir-Bruxer – Short for a zirconia bruxer crown.

Thank you so much for your time

Carol Frattura
Showcase Dental Lab

From: Keith Allred [mailto:kallred@glidewelldental.com]
Sent: Tuesday, January 10, 2012 1:58 PM
To: Carol@ShowcaseDental.com
Cc: Info@ShowcaseDental.com
Subject: BRUXZIR Infringement - SHOWCASE DENTAL LABORATORIES

NOTICE OF TRADEMARK INFRINGEMENT



January 10, 2012

**TRANSMITTED VIA EMAIL AND
DELIVERED BY U.S. MAIL**

SHOWCASE DENTAL LABORATORIES
22286 Vick Street
Port Charlotte, FL 33980

PHONE: 888.625.5757

Carol@ShocaseDental.com

Info@ShowcaseDental.com

<http://www.showcasedental.com/>

Attn: President & CEO

**Re: Infringement of Glidewell Laboratories' BruxZir® Trademarks, Misbranding,
Violation of Federal Acts and State Statutes and Unfair Business Practices**

The serious matter of your infringement of my client's proprietary property rights in connection with the unauthorized use Glidewell Laboratories' registered trademarks and copyrighted images on your website has come to our attention.

Glidewell Laboratories has for years used the mark BRUXZIR both nationally and internationally to identify its dental laboratory goods and services in the US and its CE certified BruxZir® zirconia milling blanks in Europe. The company enjoys considerable good will associated with its use of the aforesaid mark.

The promotion of dental laboratory services by your lab of a Zir-Bruxer Crown is using a similar mark where there is an appreciable likelihood of confusion and a palming off goods by an unauthorized substitution of one brand for the brand ordered, which in this instance is a deliberate misappropriation of intellectual capital for commercial purposes that is actionable unfair competition under state and federal laws.

Under federal law, Trademark infringement is presumptively an unfair exploitation of the monopoly privilege that belongs to the owner of the mark. Infringement is a 'tarnishment' of the

owner's mark and results in "brand confusion" and the likelihood of "initial interest" confusion as to the actual identity of the source of the goods and services.

For the above reasons, we must insist that you immediately cease use of the infringing marks and copyrighted images in your promotions and elsewhere. Should you not terminate use of the mark and copyrighted images, Glidewell Laboratories reserves its rights to take legal action to stop you from using the mark and intellectual properties by seeking an injunction, monetary relief, and attorney fees.

Please contact me, or have your attorney contact me, within ten days of receipt of this communication if you are unsure about the appropriate steps that you must take to avoid liability for your refusal to discontinue your use of the infringing marks. Additionally, if you wish to be on the list of BruxZir® authorized dental laboratories, call Glidewell Direct.

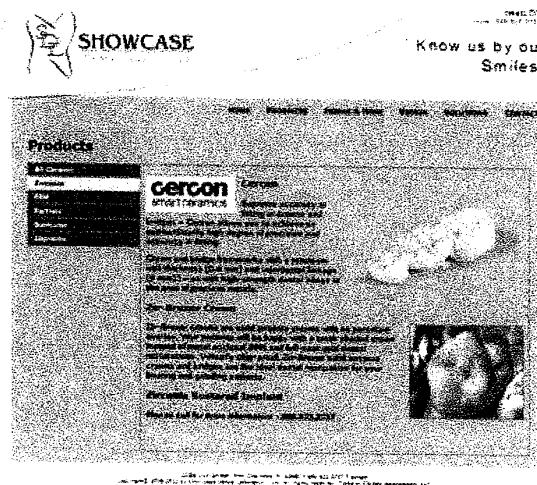
Your prompt attention is appreciated.

Sincerely,
KEITH D. ALLRED
Attorney for Glidewell Laboratories
4141 MacArthur Blvd.
Newport Beach, CA 92660
Tel 949-440-2683
Fax 949-440-2787
Email kallred@glidewelldental.com

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-- ATTACHMENT "A" --

[Copied from Showcase DL website]



[Note: Example unlawful use above of copyrighted BRUXZIR image]

